FOR MYSORE STATE

Pan

,004—27-10-47. 500

M

Devt ~~Civil~~ (1950) Department.

MS. SERIES.

39

G.O. NO. 1465

Dated the 12th April 1950.

[Despatch Abstract.]

Textiles – Textile Control – Sandur-Merger – Central and State Control Orders – Applied

TO CO[illegible]
[illegible] 1949

From
[illegible].C.Allardice Esq., I.C.S.,
Collector, Bellary.

To
The Secretary, to Government
Development Department, Madras
Through
The Provincial Textile Commissioner,
Madras.

- -

Ref: C.No.297/48 T-2 Dated 9-6-1949

61768

Sir,

Sub:-Textiles-Mill cloth-Sandur State merged into Bellary District-extension of the Madras Cloth (Dealers) Control Order 1948-to the state-requested.

✓ Important

Ref:-Government Memorandum No.135218 I/48 dated 30-4-1949

Important

The Government in their Memorandum No.135218 I/48 dated 30-4-1949 were pleased to approve the proposals submitted in this office C.No.297/48 T-2 dated 16-12-48 to appoint one wholesaler and five retailers for Sandur State. In paragraph 2 of the memorandum, it is said that these dealers may be licensed after the Sandur State is merged with Madras Province and the Madras Cloth (Dealers) Control Order 1948 is extended to the state.

2. The Sandur State has been merged into the Bellary District on 1-4-1949. I request that the Madras cloth (Dealers) Control Order 1948 may be extended to the State to enable me to issue licences to the dealers approved by the Government. I also request that the Textile Control Officer, Bellary and the Textile Inspector, Kudligi may be empowed to enforce the provisions of the said control order in the merged state of Sandur.

10.6.49
For Collector.

D.F.10/6

10.6.49

6

Dev. Deptt.

To AS.

The letter from the Govt. of ~~[illegible]~~ Bellary on p. 1 ante may be perused. The question of extending the control orders to the Sandur State is separately under consideration (C. No. 54678 MS/44). No separate action on this seems called for. May be added to the main file on its return from Food deptt.

15.6.44 15/6/44

15/6/44

Fair

Since recd

17.6.44.

Copy of U.O.Note No.2819/49-1 Public (Miscellaneous) Department, dated 13th July 1949.

77945

Sub: States - Sandur - Merger - Extension of Acts etc.
Ref: U.O.Note No.2905/49-2 Public (Political) Department,
dated 19th May 1949. >> pp 1-2 N R.

In the U.O.Note cited, it was ordered that a consolidated notification in respect of all the Acts that are to be extended to Sandur State should be issued by each department of the Secretariat, in which case, so far as the Public Department are concerned, such a consolidated notification would issue from Public (Miscellaneous) Department. As it has not been practicable to follow this procedure, it has now been decided that each section in the Public Department should itself issue notifications applying the Acts with which it is concerned to Sandur. Public (General-A), Public (S.C.), Public (General-C) and Public (Services-D) are requested to take action accordingly in the matter.

*****

Development (J) Department

To A.S.

Ref: Page 1 ante

Submitted for perusal. It was ordered in Public Department

P.T.O.

U.O.Note No.2905/49-2 dated 19.5.1949 (copies of which have gone to all sections) that a consolidated notification in respect of all the Acts that are to be extended to Sandur State should be issued by each department of the Secretariat, in which case so far as Development are concerned, such a consolidated notification would issue from Development 'J' section. As it has not been practicable to follow the procedure, it has now been decided by Public that each section in Public Department should itself issue notification applying the Acts with which it is concerned to Sandur. A similar procedure may with advantage be followed in this Department by Sections to avoid cumulative delay.

A copy of Public U.O.Note No.2819/49-1 dated 13.7.1949 together with a copy of this note may be given to all sections for further action.

V.Kasthuri Rangaswamy,
Assistant Secretary to Government.

Forwarded/By Order

Superintendent

MS/21-7.

97969

From
Sri N.V. Sugavanam Iyer
Collector of Bellary.

To
The Secretary to Government
Development Department, Madras.

Ref.C.No.606/49 T-2

Dated 26-9-1949

MF

FOURTH ASSISTANT SECRETARY TO GOVT
1 OCT 1949
DEVELOPMENT DEPARTMENT

Sir,

Sub: Textiles-Mill cloth-Sandur State merged into Bellary District-extension of the Madras cloth (Dealers) control order 1948 to the state.

Ref: 1. Government Memorandum No.135218 MI/48 dated 30-4-49 → NW putup.
2. This office C.No.606/49 dated 9-6-49 and 21-7-49.

--

I invite your attention to the references cited above and request that orders if any passed extending the Madras Cloth (Dealers) Control order 1948 to the merged state of Sandur may be communicated to me to enable me to issue licences to the dealers there.

B.F.27/9 27/9

For Collector.

12-13
18/10

Development Deptt.

Issue
49
17.10.49

Memorandum No. 54678 MS/49-8 Dt. 17-10-49.

Sub: Textiles – Mill cloth – Sandur State merged into Bellary Dist. – Extension of the Madras Cloth (Dealers) Control Order, 1948 to the State.

p. 5 cf

Ref: From the Collector of Bellary letter Ref. C.No.606/49-S2 Dt. 26.9.49

The Collector of Bellary is informed that the matter is still under consideration of the Govt.

49
17-10-49

17/10

To
The Collector of
Bellary.

9/14/4

Development Dept

Subject: Textiles – Textile control orders – Sandur – Merger – Central and State ~~laws~~ control orders – Applied.

Pl. issue
Take an advance copy of the notification for despatch to the S.G.P.
12.4.50

pl. despatch to Supply by Spl. Messenger today
R/ 3-15 before
15.4.50

G.O.Ms.No. 1465 Dt. 12.4.50

The appended notifications will be published in English in the Fort St. George Gazette Dt. 18.4.50 and in English and the chief languages of the District in the District Gazette of Bellary.

11.3.50 11.3.50

15.3.50

Despd to S.G.P. only by messenger.
15/4/50.

To
" The S.G.P., Madras.
" The Collr. of Bellary.
All other Collectors
" D.C.C.
" T.C., Bombay
" The Secy. to the Govt. of India, Ministry of I & S, New Delhi.
" The Secy. to the Govt. of India, Ministry of States, New Delhi (4 copies).
" The I.G. of Police.
" The Commr. of Police.

08/4

Published in
[illegible] II P. [illegible] 18.4.50
[illegible] 502-503

11/81

NOTIFICATION II. P

In exercise of the powers conferred by Section 3(1) ~~of the~~ and (2) ~~and section 17(2)~~ of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), ~~read with section 3(2) and (3) of the Merged States (Laws) Act, 1949,~~ H.E. the Governor of Madras hereby directs that the Cotton Textiles (Control) Order, 1948 and the notifications which have been already issued and which may hereafter be issued ~~there~~under [illegible] as in force in the Bellary district ~~of~~ in the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ the merged territory of Sandur ~~as if the said State was part of~~ in the ~~Beller~~ said district subject to the following modifications, namely:—

In the said Order -

(1) Clause 1(iii) shall be omitted;

(2) Clause 2 shall be omitted;

(3) In clause 25(1), for the words and figures ~~"31st October 1948"~~ "30th November 1948" the words and figures "18th ~~March~~ April 1950" shall be substituted.

read with section 17(2) of the Act and the notification of the Government of India, Department of Industries and Supplies No. 73-1-TA/46 dated the 28th December 1946, published at page 1919 of part I section I of the Gazette of India, dated the 28th December 1946.

Pump.

Pump.

PP 447-
9 ('

v be filled in,

UL/11350 11350

P.O

LKB
18 3 50

NOTIFICATION III.Ⅱ

Putup

» Putup

BP 558-5604

In exercise of the powers conferred by Section 3(1) ~~of the~~ and (2) ~~and Section 17(2)~~ of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), ~~read with section 8(2) and (3) of the Merged States (Laws) Act, 1949,~~ H.E. the Governor of Madras hereby directs that the Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949 and the notifications which have been already issued and which may hereafter be issued ~~there~~under the said Order as in force in the Bellary district of the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ the merged territory of Sandur ~~as if the said State was part of~~ in the said ~~Bellary~~ district subject to the modification that sub-clause 3 of clause 1 of the said Order shall be omitted.

read with section 14(2) of the Act and the Notification of the Govt of India, Department of Industries and Supplies, No 73-1-TA/46 dated the 28th December 1946, published at page 1919 of Part-I of the Gazette of India, dated the 2?th ~~December~~ 1946.

11350 11350

11-3-50

P 10

151

X

NOTIFICATION II. Tu

In exercise of the powers conferred by Section 3(1) ~~of the~~ and (2) ~~and Section 17(2)~~ of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), ~~read with section 5(2) and (3) of the Merged States (Laws) Act, 1949~~ H.E. the Governor of Madras hereby directs that the Cotton Textiles (Export Control)

Pr. M.P.

V P. M.P

+ PP. 520-523

[illegible]

Order, 1949 and the notifications which have been already issued and which may hereafter be issued ~~there~~under the said Order as in force in the Bellary district ~~of~~ in the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ of Sandur ~~as if the said State was part of~~ in the said ~~Bellary~~ district & the merged territory) subject to the modifications that sub-clause (iii) of clause 1 and ~~of~~ clause 12 of the said Order shall be omitted.

W 11380 Ch 11350

11350

x 10

Read with section 17(2) of the Act and the Notification of the Govt of India, Department of Industries and Supplies No. 73-1-TA/46 dated the 28th December 1946, published at page 1919 of part I section I of the Gazette of India, dated the 28th December 1946

A.

NOTIFICATION ~~VI~~. IV

In exercise of the powers conferred by section 3(1) and (2) of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) ~~read with section 3(2) and (3) of the Merged States (Laws) Act, 1949~~ and by section 3(1) and (2) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXXIX of 1949), H.E. the Governor of Madras hereby directs that the Madras Cloth (Dealers) Control Order, 1948, and the notifications which have been already issued and which may hereafter be issued ~~there~~under the said Order as in force in the Bellary district ~~of~~ the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ merged territory of Sandur ~~as if the said state was part of Bellary~~ in the said district subject to the modifications that sub-clause (3) of clause 1 and the provisos to clause 8 of the said Order shall be omitted.

read with section 2a of the Act

✓ (7)

to be filled.

11350

Read with section 4 of the Act and the Notification of the Govt of India, Department of Industries and Supplies No. 23-1-TA/46, dated the 2 of the December 1946, published at page 9 of Part I Section I of the Gazette of India, dated 2 of the December 1946

D. 1

13

NOTIFICATION ~~VII~~ V

pump

In exercise of the powers conferred by section 3(1) and (2) of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) ~~read with section 3(2) and (3) of the Merged States (Laws) Act, 1949,~~ and by section 3(1) and (2) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949 (Madras Act XXXIX of 1949) H.E. the Governor of Madras hereby directs that the Madras Yarn ~~Cloth~~ (Dealers) Control Order, 1948 and the notifications which have been already issued and which may hereafter be issued ~~thereunder~~ the said Order as in force in the Bellary district ~~of~~ in the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ merged territory of Sandur ~~as if the said state was part of Bellary~~ in the said district subject to the modification that sub-clause (3) of clause 1 of the said Order shall be omitted.

pump

Read with section 20 of the Act

& the said [illegible]

Read with section 17(2) of the Act and the Notification of the Government of India, Department of Industries and Supplies No. 73-TA/46 dated the 28th December 1946 published at page 1919 of part I Section I of the Gazette of India, dated the 28th December.

11.3.50

13.3.50

13.3.50

~~62~~ 21

X

NOTIFICATION ~~VII~~

In exercise of the powers conferred by Section 3(1) and (2) ~~and Section 17(2)~~ of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), ~~read with Section 3(2) and (3) of the Merged States (Laws) Act, 1949~~ H.E. the Governor of Madras hereby directs that the Cotton Textiles (Control of Movement) Order, 1948 and the notifications which have been already issued and which may hereafter be issued ~~ther~~eunder V. Said Order as in force in the Bellary district ~~of~~ the State of Madras shall, with effect on and from the 18th ~~March~~ April 1950 apply to the ~~State~~ merged territory of Sandur ~~as if the said State was part of~~ in the ~~Bellary~~ said district subject to the modification that ~~in~~ sub-clause ~~(3)~~ (iii) of clause 1 and clause 10 of the said order shall be omitted.

Read with section 17(2) of the said Act and the Notification of the Govt. of India in the Department of Industries and Supplies No. 73-1 TA/[illegible] published at page 1919 of part I Section I of the Gazette of India [illegible] 28th December 1946.

11350 11350

Pur. p

Pur p

✓ pp. 522-523a

[illegible]

[illegible]

21

Development (MI) Department.

I Issue
14.
12.4.50
12/4.

LETTER NO. 54678 MI/49-16 DATED 12.4.50

To

The Secretary to the Government of India,
Ministry of Industry and Supply,
New Delhi.

Sir,

Sub: Textiles - Textile Control Order - Extension to Sandur.

I am directed to state that this Government examined the question of extending all the Control Orders relating to textiles and cotton issued by the Central Govt & by this Government ~~and~~ to the merged State of Sandur. The Cotton Textiles (Control) Order, 1948, the Cotton Textiles (Control of Movement) Order, 1948, the Govt. Contractors (Disposal of cotton Textiles unused material and Rejected Stores) Order, 1949 and the Cotton Textiles (Export Control) Order, 1949 are being extended to the merged State of Sandur invoking the powers conferred on this Government by the Central Government in the Notification of the Department of Industries and Supplies ~~in their Notification~~ No. 73-1-TA/46 dated 28-12-46. It is seen that the delegation in this notification refers only to ~~the~~ cotton textiles and consequently it cannot be invoked for extending the Cotton Control Order, 1949. As regards the extension of the Factories (Control of Dismantling) Order, 1946 although the object of the order is to maintain and increase the supplies of cotton textiles, a doubt is felt whether this order can be extended by this Government. I am therefore to suggest that necessary action may be taken by the Government of India to extend the two orders to the merged State of Sandur if the position stated above is correct.

[illegible] II, III, V, VI & VIII

PP1-2 of Ⓣ

Para 2 of Legal dept's notes p. 21 N.F.

- Vide -

11.4.50 11.4.50 11.4.50 Y.F. 12.4.50.

Government of Madras.

***

SIXTH ASSISTANT SECRETARY TO GOVERNMENT
26 MAY 1949
DEVELOPMENT DEPARTMENT

Extract from Public (Political) Department file No.2677/49.

States.- Sandur - Merger - Taking over the administration of Departments. 54678

Under instructions from the Government of India this Government took over the administration of Sandur State in July 1948. From then the administration of the State is being carried on by this Government in the name and on behalf of the Ruler. All matters relating to the administration of the State were being attended to in this department.

2. Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification will be published in an extraordinary issue of the Fort St.George Gazette.

3. It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - Vide Public (Political) U.O.Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take necessary action for the taking over the administration of the Departments in the Sandur State wihh which they are concerned by the concerned Heads of Departments of this Government.

4. As regards the extension of the laws in force in this Province to Sandur this Department have suggested in a note to be sent to Home Department that the laws in force in this Province nedd not be extended immediately and that pending the extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institutions. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the departments in the State and run them with reference to the State laws a formal authorisation by Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise. A.

xx xx xx

Legal Department.

B A on page 2 ante: This Department agrees with the view of the Public (Political) Department expressed here.

xx xx xx

Public (Political) Department.

A.2.N. Proposal (i) above. Extracts of paragraphs 1 to 4 of this department's note on pp.1-2 and of Legal's note at B on page 3 above may be sent to all departments of the Secretariat (all sections) including Public for necessary action.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the department concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake of issuing an omnibus and consolidated notification. Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately.

xx xx xx

A. I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected.

xx xx xx

A.R.N.
16-5-49.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

Public (Political) Department.

U.O.Note No.2905/49-2 dated the 19th May 1949.

Communicated to the Departments of the Secretariat. for necessary action.

C.K.Vijayaraghavan,
Chief Secretary to Government.

To the Departments of Secretariat including Public (all sections

Forwarded/By order

mdk.23/5-

Superintendent.

56605

Government of Madras.
Public (Political) Department.

***

U.O.Note No.2905/49-3 dated the 26th May 1949.

STATE ASSISTANT SECRETARY TO GOVERNMENT
30 MAY 1949
Cnw
54078 4/14

States - Sandur - Merger - Taking over administration of States Departments and application of Provincial and Central laws.

U.O. Note No.2905/49-2 Public (Political) dated 19-5-1949.

Extracts of notes Public (Political) Department file bearing C.No.2677/49.

The Departments of the Secretariat may be requested to substitute the following extracts for those communicated with the U.O. note of the same number and date as mentioned above:-

Now the Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-49. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act, necessary powers for the governance of the merged area. The Government of India notification has already been published in an extraordinary issue of the Fort St.George Gazette.

It has already been decided that in respect of the merged States the Departments of the Secretariat should attend to the matters (including the extension of laws) with which they are concerned - vide Public (Political) U.O. Note No.2971/48-2 dated 5-8-48. The Departments of the Secretariat may therefore be requested to take the necessary action for the taking over the administration of the Departments in the Sandur State with which they are concerned by the concerned Heads of Departments of this Government.

As regards the extension of the laws in force in this Province to Sandur this Department have suggested that the laws in force in this Province need not be extended immediately and that pending extension of the laws in force in this Province, the State laws may be retained and that orders may be issued retaining the existing State laws and judicial institution. Orders in this regard will be issued in Home Department. It seems that to enable our Heads of Departments to take over the administration of the Departments in the State and run them with reference to the State laws a formal authorisation by the Government under the Extra Provincial Jurisdiction Act,1947 will be necessary. Legal may be requested to advise. A.

As regards the application of the laws in force in this Province, both Provincial and Central to Sandur the Departments of the Secretariat will have to take necessary action for the extension of Acts with which they are concerned, bearing in mind the general instructions issued by the Government of India in their letter No.F.41(7). IB/48 dated 25-2-48. Recently in connection with the application of these laws to Pudukkottai and Banganapalle Legal Department expressed the desirability of issuing a consolidated notification in the place of the piecemeal notifications issued by the different Departments of the Secretariat. Legal may be requested to consider the expediency of asking the different Departments to send to them in due course proposals for the extension of Acts with which they are concerned so that a consolidated notification may be issued from Legal.

Legal may see for remarks.

A.R.N.
29-4-49.

Legal.

Public (Political) U.O.
No.2677/49-1 d/29-4-49.

p.t.o.

Legal Department.

B. A above: This Department agrees with the view of the Public (Political) Department expressed here.

B ibid: The notifications in respect of Pudukkottai and Banganapalle extending the Central and Provincial Acts were issued by the administrative Departments concerned and in some cases by the Public (Political) Department. Before extending the Acts to those two States, heads of departments were consulted as regards modifications to be made in those Acts. Similarly, before extending particular Acts to Sandur it may be desirable, and even necessary, to consult heads of departments concerned and make modifications, if any, that may be required in the Act. This Department may, therefore, suggest that the notifications may be prepared by the administrative departments concerned and then sent to Public (Political) for consolidation and issue. Public will no doubt refer any legal point which may arise to this Department for advice, and also send the consolidated notification for scrutiny by this Department.

(Sd.) xx xx xx
A.S.I. A.S.II. J.S. K.V.R.
7/5/49. 7/5/49 7/5/49 7/5/49.

Public (Political)

Legal U.O.No.5634/49-1
dated 7-5-1949.

Public (Political) Deptt.

The proposals in this file relate to (1) the taking over the administration of Departments in Sandur by the Heads of Departments concerned and (ii) the extension of laws in force in this province to Sandur.

A.R.N. Proposal(i) above. Extracts of paras 2 to 4 of this department's note above and of Legal's note at B above may be sent to all Departments of the Secretariat (all sections) including Public for necessary action.

Proposal (ii) above. Legal suggest that this department may collect proposals from the different departments of the Secretariat for the extension of laws to Sandur and then take necessary action for issuing a consolidated notification. It is submitted that if this work is to be undertaken in Public Deptt. then an additional upper division clerk will be required to deal with the subject. As previous proposals for sanction of additional staff for Public (Political) had to be dropped due to the objection of Finance department it is for consideration whether this work may be taken up by this department and the sanction of the post of an additional upper division clerk asked for or in the alternative whether the departments of the secretariat may be asked to issue a consolidated notification in respect of all the Acts with which they are concerned.

In the case of Pudukkottai and Banganapalle each notification was issued separately by the deptt. concerned and the same procedure may be followed in the case of Sandur also. Each Act may be examined separately and applied to Sandur in the orders of urgency with such modifications, adaptations or omissions as are necessary. There seems to be no special advantage in issuing a consolidated notification. On the other hand the consolidation work is likely to cause delay and complications. It might be necessary to extend some of the fiscal Acts immediately for administrative or other reasons and it seems unnecessary to delay such Acts for the sake of issuing an omnibus and consolidated notificati[redacted] Such a notification with various modifications and saving clauses and schedules will also be inconveniently large and cumbersome. The Departments may therefore examine each case and issue a consolidated notification in respect of all the Acts with which they are concerned as far as possible. Urgent and isolated cases may be dealt with separately. There will be no need for any additional staff of the above suggestion is accepted.

Legal may perhaps see again.

A.R.N.
12-5-49.

C.K.V.
12-5-49.

Legal.

Pub.(Poll.)U.O.No.
2905/49-1 d/12-5-49.

Legal Department.

Seen in Legal.

The difficulties and disadvantages of each Department issuing seperate notifications have already been pointed out by this Department in another file. A copy of that note~~d~~ is placed at flag (V). This Department has no further remarks to offer.

xx
A.S.I.
13/5/49.

xx
A.S.II.
14-5-49.

If separate notifications are to be issued, apart from the difficulty pointed out in the note at 'V', there will also be the possibility of some of the Acts being omitted, each department thinking that it is not concerned with them, or of some of the Acts being extended by more than one department, one department not being aware of ~~this~~ the extension by the other. It is for these various reasons that this department advised the issue of a single consolidated notification.

xx xx
14/5/49.

Pub.(Poll.)

Legal U.O.No.
6036/49-1 d/14-5-49.

Public (Political)Deptt.

It appears from the Legal department note above that they reiterate their original proposal. If that is to be pursued additional staff is absolutely necessary. Public (Political) has already 4 upper division clerks and one Superintendent. If the additional upper division clerk is attached to Public (Political) the section has necessarily to be bifufcated. It is also submitted that the work in this file is not of an ordinary nature and the attention of a full time Superintendent is necessary for the subject. Submitted for orders.

A. I still think that for the reasons stated at page 5 ante it would be more convenient to leave it to the departments concerned to issue a consolidated notification in respect of all the Acts with which they are concerned. As all notifications will be scrutinised by Legal and as that department have recently circulated to all departments a model notification, uniformity in language may be expected. The possibility of some of the Acts being omitted can be avoided by checking the list of Acts extended by the departments. For orders whether in the circumstances the question of issuing a consolidated notification by Public (Political) may be dropped. If, however, it is considered that Public (Political)

C.K.V.
17/5

should undertake the work, Finance may be requested to agree to the proposal to sanction the post of a Superintendent, say, for 2 months for the present.

A.R.N
16-5-49.　　　C.S.

I agree. The procedure suggested at A above may be followed.

C.K.V.
17-5-49.

/True copy/

To the Departments of the Secretariat
including Public(all sections.)

mdk.26/5-

Superintendent.

Dev. Deptt.

To AS.

PP. 1-4 ante submitted for perusal. May be added to the mainfile (Genl. 54678 M1/49) on its return from Food dept.

31.5.49　31.5.49

31.5.49

37

Devel[redacted]nt Department.

To A.S.

Please see the extracts of notes of Public (Political) Department on pp.1-2 above. The following Central and Provincial Control Orders relating to Textiles which are in force in this Province have to extended to Sandur State:--

Central orders

A

MI Pubs

1. The Factories (Control of Dismantling) Order, 1946
2. The Cotton Cloth and Yarn (Transmission by Post Prohibition) Order, 1946.
3. The Cotton Textiles (Control) Order, 1948.
4. The Cotton Textiles (Control of Movement) Order, 1948.
5. The Cotton Textiles (Export Control) Order, 1949
6. The Government Contractors (Disposal of Cotton Textiles Unused material and Rejected Stores) Order, 1949.

Provincial Orders.

B

1. The Madras Cloth (Dealers) Control Order, 1948
2. The Madras Yarn (Dealers) Control Order, 1948.
3. The Madras Cotton (Control) Order, 1949.
4. The Madras Cotton Licensing Order, 1949.

All the Central Orders were issued by the Central Government by virtue of the powers conferred on them by the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and the Provincial Orders were issued under the powers delegated to this Government by the Central Government under the Essential Supplies (Temporary Powers) Act, 1946 and under the powers conferred by the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (Madras Act XIV of 1946). Before extending the above orders to the State it is necessary that the two Acts are extended in the first instance to the State. Food Deptt. may perhaps be requested to state whether the above acts have been extended to Sandur State and if so to put copies of notifications extending the above orders.

28.5.49 28.5.49

28.5.49

Food (G) Deptt

Do. no. 54678 NI/49-1
28.5.49

ADDITIONAL ASSISTANT SECRETARY
30 MAY 1949
21020
FOOD DEPARTMENT

To Secretary.

Please see the Development Deptt note above. Necessary action to extend the Central Act XXIV of 1946, and the Madras

4/8

Act XIV of 1946, is being taken separately, and orders will be ~~issued~~ notified soon, ~~then copies of Govt~~ and will be communicated to all depts, including the Development deptt. With this information, this may be returned ~~to~~ DW.

Gr [illegible]

14/6/49. 12.6.49. 13/6/49 Dev.

Food n. 021020 g/49
16.6.49

62817 Dev. Dept.

ASSISTANT SECRETARY TO GOVERNMENT
15 JUN 1949
DEPARTMENT

To AS.

Please see the notes of ~~the~~ Food deptt. on pp. 3-4 ante. This may lie over till the Acts referred to therein are extended to Sandur State or till 25.6.49 whichever is earlier.

15-6-49. 16.6.49

16/6/49

To AS.

Orders above. It has since been ascertained from Food deptt. that the question of extending the Central Act and the Madras Act to the Sandur State is still under consideration. This may lie over till 10.7.49 or till the Acts are extended to the State whichever is earlier.

30.6.49 30.6.49

30/6/49

To AS.

Food deptt. may be requested to ~~the~~ state the stage at which the matter stands at present.

13.7.49

(16)7/49

FM. G

DEPUTY SECRETARY
15 JUL 1949
27146
FOOD DEPARTMENT

Dev. no. 43/49-2
14.7.49.

To DS

This Dept. last saw at pp 7-8 above. The file relating to the extension of the Central Act XXIV of 1946 & the Madras Act XIV of 1946 to the Sandur State has not yet returned from the other Depts. of Sectt. ~~Orders will be~~ Those depts have been duly reminded. ~~notified and communicated soon after the receipt of the~~ main file. With this information, the file may be returned to Dev.

C.No 1717 [illegible]

15/7/49 15.7.49

18/7/49

76213

ASSISTANT SECRETARY TO GOVERNMENT
Food 19 JUL 1949 27146/49
DEVELOPMENT DEPARTMENT
18.7.49

9

Dev. Deptt.

To AS.

Notes of Food deptt. on p. 8 above may be perused. This may lie over till 9.8.49 or till orders referred to at 'A' on p. 8 ante are issued whichever is earlier

19.7.49 21.7.49

21.7.49

P. 3 cf. (U.O. Note No. 2819/49-1 Dt. 13.7.49 from Public (Miscellaneous))

To AS.

The u.o. note from public deptt. on p. 3 cf may be perused. May lie over till 9.8.49 or till orders referred to above are issued whichever is earlier as ordered above.

26.7.49 26.7.49

26.7.49

To A.S.

This file deals with the question of extending the following Central and provincial order to Sandur State.

1. The Factories (Control of Dismantling) Order, 1946.
2. The Cotton Cloth and Yarn (Transmission by post-prohibition) Order, 1946.
3. The Cotton Textiles (Control) Order, 1948
4. The Cotton Textiles (Control of Movement) Order, 1948.
5. The Cotton Textiles (Export Control) Order, 1949
6. The Govt. Contractors (Disposal of Cotton Textiles unused material and Rejected Stores) Order, 1949.
7. The Madras Cloth (Dealers) Control Order, 1948.
8. The Madras Yarn (Dealers) Control Order, 1948.
9. The Madras Cotton (Control) Order, 1949.
10. The Madras Cotton Licensing Order, 1949.

All the Central orders were issued by the Govt. of India by virtue of the powers conferred on them by the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946) and the provincial orders were issued under the powers delegated to the provl. Govt. by Central Govt. under the Essential Supplies (Temporary Powers) Act, 1946 read with the powers conferred by the Madras Essential Articles Control and Requisitioning (Temporary powers) Act, 1946. (Madras Act XIV of 1946). The above Acts have been extended to Sandur State – vide G.O. Ms. 658 Food Dt. 27.7.49. Under the notification all notifications, rules and orders made or issued or deemed to have been made or issued in pursuance of powers conferred by or under the said Acts as in force for the time being in Bellary district apply to the State of Sandur as if it were part of the district. As all the Central and Provl. control orders were issued under the two Acts referred to above and in view of the general extension of all orders, notifications and rules issued or made under the Acts to the State of Sandur, no separate orders extending the control orders referred to on p. 9 ante seem necessary. Legal may advise in the matter.

V (A)

Para 1 of

12.8.49

10.8.49 12.8.49

12.8.49 Legal

Dev. no. 54678 MS/49-4 13.8.49

ADS

ASSISTANT SECRETARY
10412
16 AUG 1949
LEGAL DEPARTMENT

LEGAL DEPARTMENT

A copy of the note put up in another file which was passed on to Development with Legal U.O.No.10119-1 dated the 12th August 1949 and a copy of the U.O.Note No.9963/1949-1 Legal dated the 5th August 1949 issued to all departments of the Secretariat are put up at flags (B) & (S) respectively. The remarks of this department in those notes apply to this case also.

(B)

(S)

17.8.49

85356 Dist. Depy.

Legal No /04/2/49 17/8/49

TO A.S.

Please see the notes of Legal deptt. above. Legal deptt. opine that the notification issued by Food deptt. extending the Central Act XXIV of 1946 and Madras Act XIV of 1946 and the notifications, orders and rules issued thereunder to the Sandur State is not in order and suggest that an Ordinance or Act will be required to extend the two Acts. As the Control orders issued as referred to in p. 9 above were issued under the Central and Madras Acts, it is necessary to extend these Acts before extending the orders issued thereunder. As Food dept. are concerned with the extension of these two Acts to Sandur State that dept. may be requested to state the action taken by them in the matter

M
24.8.49

24.8.49

Food
26.8.49

Memo. No. 54678 M.I/49-5
24.8.49

DEPUTY SECRETARY
26 AUG 1949
FOOD DEPARTMENT

/10 DS

Food & Agri., Gr.

[Previous notes of this Dept at pp 7-8 above]

Further notes of Dev. Dept. from the bottom of page 10 above may be perused. With reference to M above it is ~~understood~~ submitted that the question of undertaking suitable legislation for extending the Central Act XXIV of 1946 and the Madras Act XIV of 1946 to the Sandur State is under consideration in the Pub (Pol) Dept. That Dept has been asked to state ~~whether~~ (in this Dept's file bearing C.No. 31506 G/49) whether they are undertaking suitable legislation for the extension of the said Acts to the Sandur State. Their reply is awaited. With this information this may be returned to ~~the~~ Dev Dept.

A

35718

AO
26.8.49

26.8.49

29.8.49

Dev

38313

Dev. Dept.

Food & Agri. U.O. No.
35718 G/49-1

ASSISTANT SECRETARY
29.8.49

To AS

Notes of Food dept. above may be perused. Pub (Pol) may see with reference to 'A' above.

SO
31.8.49

31.8.49

31.8.49

Pub (Poll)

Dev. no. U.O. 54678 M.I/49-6
31.8.49

2 SEP 1949
5332
CHIEF SECRETARIAT

Public (Political) department

'A' on p. 11 ante :- The question of issuing an Ordinance for the extension of the Central and the Provincial Acts to the merged States is separately under consideration. The decision arrived at will be communicated to the departments of the Secretariat for necessary action.

The file may be returned to Development.

5/9/49 Cue 6.9.49

8/9/49

Pub (Poll) 5332/49-1 D. 9-9-49

Dev. 92157

Dev. deptt.

To AS.

Please see the notes of Pub (Poll) above. This may lie over till the issue of the ordinance referred to above is issued or till 29.9.49 whichever is earlier.

UC 12.9.49 AS 13.9.49

1094

ASSISTANT SECRETARY TO GOVERNMENT
10 SEP 1949
DEVELOPMENT DEPARTMENT

From the Collector of Bellary letter no. C.No. 606/49.P2 Dt. 26.9.49) p. 5 c.f.

To AS.

Please see the letter from the Collector of Bellary at p. 5 c.f. Pub (Poll) may be requested to state the stage at which the ~~[illegible]~~ file referred to at 'B' above stands at present.

UC 5.10.49 AS 5.10.49

5/10

Pub (Poll) U.O.

Dev. U.O. No. 54678-H3/49-7

6061/49 5-10-49

1949

Public (Political) deptt.

The question of issuing an Ordinance for the extension of the more important Provincial Acts to the merged States is still under consideration. ~~This may lie over till 15.10.49.~~ With the above information, the file may be returned to Development.

10/10/49 Cue 13.10.49

14/10/49 Dev. 102218

Pub (Poll) U.O. 6061/49-1
15.X.

Dev. Deptt.

To AS.

Notes of Pub (Poll) deptt. at p. 12 ante may be perused. An interim reply to the Collector of Bellary is submitted below. This may lie over till 31.10.49 when Pub (Poll) deptt. may be reminded again.

17.10.49. 17/10/49

17/10/49

To AS.

The file may be sent to Pub (Poll) deptt. for remarks with reference to 'B' at p. 12 ante.

31.10.49 31/10/49

1/11/49

Pub (Poll)

Reo. no. no. 54628 dt. 1/11/49

6699
8 NOV 1949

Public (Political) Department.

The file deals with the question of the application of certain Control orders specified at A. and B. on p.7 ante to the merged State of Sandur.

2. The Essential Supplies (Temporary Powers) Act, 1946

14/

194~~8~~6 (Central Act XXIV of 1946) has not yet been extended to Sandur. It has been included* in the Schedule appended to the Central Ordinance for the extension of the more important Central Acts to the merged States. The Government of India have since informed that they would introduce a Bill on the subject in the Central Legislature when it meets on the 28th November 1949. After the extension of the Central Act in question to Sandur, Development may take necessary action for the application of the Control Orders referred to at A on p.7 ante.

* A on p. . . (I)
✓ copy at (I)

3. In view of a recent High Court decision, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act,,1946 (Madras Act XIV of 1946) was considered to be no longer in force and in lieu of it the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance, 1949 (Madras Ordinance VI of 1949) was promulgated by H.E. the Governor on the 18th October 1949. By virtue of Article 3 of the States Merger (Governor's Provinces) Order, 1949, the Ordinance in question extends to the merged State

A state of Sandur also. So far as the application of the Control Orders mentioned at B on p.7 ante are concerned, Development will have to take necessary action under the relevant provisions of the Ordinance VI of 1949.

4. With the above remarks, the file may be returned to Development through Legal.

4/11/49

5/11/49

Legal / Dev.

Pub (Poll) no 6699/49-1
5/11/49

LEGAL DEPARTMENT

ASSISTANT SECRETARY
14340
5 NOV 1949
3.55 PM
LEGAL DEPARTMENT

The legal position is as stated by Public (Poll) at A on pp.14-15 above.

5/11/49

Dev

Dev Depth.

Legal u.o. no 14340/49-1 TO A.S.
5.11.49

ASSISTANT SECRETARY 5 P.M.

108622 MY/49.
7 11 49

Please see the notes of Pub (Poll) and Legal depts. on pp. 13-15 ante.

2. With reference to 'A' above it is submitted that out of the 4 control orders issued by this Govt., the Madras Cotton (Control) Order, 1949 and the Madras Cotton Licensing Order, 1949 have since been rescinded consequent on the promulgation of the Cotton Control Order 1949 by the Central Govt. The question of extension of these orders to the merged State of Sandur does not arise.

3. As regards the Madras Cloth (Dealers) Control Order, 1948 and the Madras Yarn (Dealers) Control Order, 1948 it is submitted that these orders were promulgated under the powers delegated to this Government by the Central Government under the Essential Supplies (Temporary Powers) Act, 1946 and under the powers conferred by the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946. It seems therefore that these orders can be extended to the merged States only after the Essential ~~Articles~~ Supplies (Temporary

pl see f [illegible] 'B' a f 1, the order p 7.

A

16

Powers) Act, 1946 (Central Act XXIV of 1946) is extended / A
to the merged State. Legal may advise whether
the above is not the correct position

11.49 7.11.49

8.11.49 Legal

Dev. no. no. 54678 MS/49-11
8.11.49
(with control order)

Legal Dept

ASSISTANT SECRETARY
14470
8 NOV 1949
3.15 P.M.
LEGAL DEPARTMENT

The position at A on pp 3-4 ante is
correct. The control orders referred to are
essentially orders under Central Act XXIV
of 1946 and their extension to Sandur
should await the extension of the Act
to that area

The Madras Ordinance No. VI of 1949
of course ~~are under the Central Act XXIV~~
being a later enactment gives wide powers
to Govt to issue an order, notwithstanding anything
contained in any other law. (even including
Central Act XXIV of 1946.). This is merely by
the accident of the Ordinance having been promulgated
now replacing the corresponding Madras Act XIV
of 1946 and it is not the intention that powers
should be exercised under this Ordinance to notify
~~issue~~ cotton cloth and yarn as essential articles
and issue orders similar to those issued under
the Central Act XXIV of 1946.

× See s 10 of the Ord & s 107(2) of Govt of India Act.

We may therefore await the Govt of India
Ordinance or Act extending Central Acts to
Sandur and then take up the question
of extending Control orders relating to cotton
cloth and yarn

8.11.49

No

Legal u.o. no 14470/49-1
8.11.49,
109503 MS/49
9.11.49
(5.20 P.M.)

Development Deptt.

To A.S.

Notes of Legal deptt. on p. 16 ante may be perused. This may lie over till the Govt. of India issue an Act or ordinance extending the Essential Supplies (Temporary powers) Act, 1946 (Central Act XXIV of 1946) to Sandur - vide 'N' on p. 16 ante. M. 10.4.49.

W 9.11.49 9/11/49

DS 9.11.4

To A.S.

This file relates to the extension of the following Central and provincial control orders relating to Textiles and cotton which are now in force in this province to the merged States.

Central orders:

1. The Factories (Control of Dismantling) order, 1946
2. The Cotton Textiles (Control) order, 1948.
3. The Cotton Textiles (Control of Movement) order, 1948.
4. The Cotton Textiles (Export Control) order, 1948
5. The Govt. Contractors (Disposal of Cotton Textiles unused material and Rejected Stores) order, 1949.
6. The Cotton Control order, 1948.

Provincial orders.

1. The Madras Cloth (Dealers) Control order, 1948.
2. The Madras Yarn (Dealers) Control order, 1948.

All the Central orders were issued by the Central Govt. by virtue of the powers conferred on them by the Essential Supplies (Temporary powers) Act, 1946 and the provincial orders were issued under the powers delegated to this Govt. by the Central Govt. under the Essential Supplies (Temporary powers) Act, 1946 and under the powers conferred by the Madras Essential Articles Control and Requisitioning (Temporary powers) Act, 1946 since continued under the Madras Essential Articles Control and Requisitioning (Temporary powers) Act, 1949.

2. The Govt. of India since extended the Essential Articles Supplies (Temporary powers) Act, 1946

18

to the merged States – vide Act No. LIX of 1949. Orders have already been issued in G.O. Ms. No. 4920 dt. 1.2.49 extending the Central and provincial control orders to the merged States of Banganapalle and Pudukkottai. In view of the Section 6(2) of the Act No. LIX of 1949, the above control orders shall be deemed to be in force in Banganapalle and Pudukkottai and there is perhaps no need to extend again. There is no specific provision in the Act to extend the Central orders to the Sandur State. Action has therefore to be taken only under section 3 of Act No. LIX of 1949. Legal may be requested to advise.

√ (2)

3. As regards the extension of provincial orders referred to at 'B' on p.17 ante Legal may also be requested to say whether it is necessary to extend these orders separately particularly when the ~~Madras~~ Essential Articles Control and Requisitioning (Temporary Powers) Act of 1949 extends to Sandur State also.

16.2.50

Legal

Dis. No. 54678 MS/49-12
16.2.50

LEGAL DEPARTMENT.

5
AVS

As the control orders have already been extended to Banganappalle and Pudukkottai, there is no need to extend them again to these areas.

2. As regards Sandur, the control orders may be applied to it by a notified order issued under the relevant Acts--Central Act XXIV of 1946 and Madras Act XXIX of 1949.

A copy of this Department's opinion in a similar file is at (H).

ASSISTANT SECRETARY
2615
17 FEB 1950
LEGAL DEPARTMENT

Legal U.O. No. 2615/50
26-2-50

Dev.

16188

19

Development Department.

To A.S.

Please see the notes of Legal Department on p.18 above. The Control Orders now in force in this State are examined below to see whether any modifications are necessary while extending the orders to the Sandur State.

[illegible]

Factories (Control of Dismantling) Order, 1946:

Subclause 3 Clause 1 of the order may be omitted and the following may be added:

" (3) It shall come in to force on the day of 1950."

PP [illegible]

Cotton Textiles (Control) Order, 1948. In the said Order -

(1) Cl.1(iii) may be omitted;

(2) Cl. 2 ~~shall~~ may be omitted.

7

(3) In Clause 25(1) for the words and figures 30-10-48' "the words and figures" -3-1950" may be substituted.

PP 522-523 [illegible]

Cotton Textiles (Control of Movement) Order, 1948:

Sub clause (iii) of Clause 1 and Cl.10 of the said Order may be omitted.

(Y)

Cloth (Dealers) Control Order, 1948. Sub clause (3) of Cl. 1 and the proviso to clause 8 of the order may be omitted.

(Y)

Madras Yarn (Dealers) Control Order, 1948. Sub clause 3 of clause 1 of the order may be omitted.

Cotton Textiles (Export Control) Order, 1949. Cl.12 of the said order may be omitted.

Cotton Control Order, 1949. No modifications seem called for ~~except~~ for the omission of sub-clause (3) of clause 1 of the order. ~~may be omitted~~

A draft order is submitted below. Legal may see for vetting.

ASSISTANT SECRETARY
4100
16 MAR 1950
LEGAL DEPARTMENT

11350 11350

15350

Legal

Dev. No. 54678 M/48-14
16.3.50.

20

LEGAL DEPARTMENT

It is seen from the draft notifications that except the Madran Yarn (Dealers) Control Order,1948, and the Madras Cloth (Dealers) Control Order, 1948, all the other orders have been issued by the Central Government in exercise of the powers conferred by sec.3 of Central Act XXIV of 1946. Under sec.4 of that Act, the Central Govt.may delegate by notified order the power to make orders under sec.3, in relation to such matters and subject to such conditions to any State Government or an officer subordinate to a State Government. It is not known whether the powers relating to the various control orders have been delegated to the State Government under sec.4. If so, Development may kindly put up a copy each of the notifications in which the powers under sec.3 relating to the control orders sought to be extended have been delegated to this Govt.

A

22.3.50

Dev Depth

Devt.

Legal No: 4100/50-1
22/3/50.

26721.

FIFTH ASSISTANT SECRETARY TO GOVT.
24 MAR 1950

TO A.S.

please see the notes of Legal depth. above. With reference to 'A' above it is submitted that the Govt. of India in their notification No. 23-1-TA/46 Dt. 28.12.1946 delegated the powers under Sub-Section (1) of Section 3 of the Essential Supplies (Temporary powers) Act, 1946 to the State Govts. to provide for the matters specified in clauses (c), (d), (e), (f), (g), (h), (i) and (j) of Sub-Section (2) of Section 3 of the Act in relation to cotton Textiles. With these remarks this may be sent to Legal depth.

28.3.50. 28.3.50

Legal
29.3.50

Dev. no. no. 54678 N.S./49-15
28.3.50.

S/ DS

ASSISTANT SECRETARY
4961
30MAR1950
LEGAL DEPARTMENT

LEGAL DEPARTMENT.

By virtue of the notification referred to by Devt. in their note above all the orders sought to be extended except the Factories (Control of Dismantling) Order,1946 and the Cotton Control Order, 1949 may be extended to the merged territory of Sandur.

The delegation in (T) refers only to cotton textiles and consequently it cannot be invoked for extending the Cotton Control Order, 1949. As regards the extension of the Factories (Control of Dismantling) Order, 1946, although the object of the Order is to maintain and increase the supplies of cotton textiles, a doubt is felt whether this Order can be extended by this Government. It is better to consult the Government of India in regard to these two control orders. They may also be informed that this Govt. propose to extend the other Orders.

Subject to this, the alterations indicated in red ink on the draft notifications may be made.

5.4.50

Dev Deptt.

30852

Legal u.o. No. 4961/50 6.4.50

ASSISTANT SECRETARY TO GOVERNMENT
6 APL 1950
DEPARTMENT

To AS.

please see the notes of Legal deptt. from p. 20 ante. The draft notifications II, III, V, VI, VII and VIII may now issue as amended by Legal deptt. As regards the extension of Factories (Control of Dismantling) Order, 1946 and the Cotton Control Order, 1949 to the Sandur State, the Govt. of India may be addressed. A draft letter is submitted below for consideration.

12.4.50
DS

11.4.50.
11.4.50

11.4.50

11.4.50

See notes

[NOTIFICATION I.

put up

In exercise of the powers conferred by Section 3(1) ~~of the~~ and (2) ~~and Section 17~~(2) of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read ~~with section~~ 3~~(2)~~ and (3~~) of the~~ Merged States (Laws) ~~Act, 1949~~, H.E. the Governor of Madras hereby directs that the Factories (Control of Dismantling) Order, 1946 and the notifications which have been already issued and which may hereafter be issued ~~there~~under as in force in the Bellary District of the State of Madras shall, with effect on and from the March 1950 apply to the State of Sandur ~~as if the~~ said State was part of the ~~Bellary~~ District subject to the modification that for sub ~~sub-~~clause (3) of clause 1 ~~of clause~~ of the said Order, the following sub-clause shall be substituted, namely: -

✓ Put in. P.43-6

* to be filled

"1(3) It shall come into force on the * March 1950".]

* to be filled

14.3.50

15.3.50

See Notes

NOTIFICATION IV.

In exercise of the powers conferred by Section 3(1) ~~of the~~ and (2) ~~and Section 17(2)~~, of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), ~~read with section 2(2) and (3) of the Merged States (Laws) Act, 1949~~ the Governor of Madras hereby directs that the Cotton Control Order, 1949

~~xxxxxxxxx~~ and the notifications which have been already issued and which may hereafter be issued ~~thereunder~~ under as in force in the Bellary district of the State of Madras shall, with effect on and from the March 1950 apply to the ~~State~~ of Sandur ~~as if the said State was part of~~ the ~~Bellary~~ district subject to the modification that subclause (c) of clause 1 of the said Order shall be omitted.

[illegible]

Ap. 1. 8

R

4350

11350

15350

~~Read with section 17(2) of the Act, and the [illegible] of the Government of India, [illegible] No. 23-1 [illegible] 28th December 1946 published at [illegible] of the Gazette of India dated the [illegible] December 1946.~~

Copy of Legal Opinion in Legal C no 1276 | 31.1.50
Legal Dept.

The control orders referred to had already been extended to Banganapalle and Pudukkottai in thenotifications at pp75-92cf of (P), under C.A.XXIV of 46 as extended to those states by the Extra Provl. Jurisdiction Act. The repeal of that Act by sec.5 of the Merged States (Laws) Act,1949 does not affect the continuance in operation of the notification order etc.issued under the pre-existing Act and in force in the merged states. By virtue of s6(2) they will be deemed to have been issued under C.A. XXIV of 1946 as now extended by the Merged States(Laws) Act,1949. There is, therefore, no need to extend the control orders again

2. So far as Sandur is concerned, C.A.XXIV of 1946 was extended to it for the first time by the Merged States(Laws)Act,1949. Sec.17 of C.A.XXIVof46 cannot by itself have the effect of automatically extending these control orders to Sandur. Action may now be taken to apply these control orders to Sandur u/s.3(1)&(2) read with s17(2) of that Act

MKN
31/1/50

Cno 10119/49

LEGAL DEPTT.

The notification in G O Ms No 656 Food d/27.7.49 is published on p730 of Pt.II of the F.S.G.G. d/2.8.49. The notification can take effect only on its publication, since under s.4(1) of C.A. XLVII of 1947, the orders made thereunder should be notified in the official gazette. However, the proviso to Art.4 of the States' Merger(Governors' Provinces)Order, 1949, prohibits the making of any order under the Extra Provl.Jurisdiction Act on or after 1.8.49 in relation to the governance of any of the merged States. Consequently, the notification in this case extending C.A.XXIVof46 and M.A.XIV of 1946 and the notifications, rules, etc., under those two Acts to Sandur cannot be deemed to be valid. If, therefore, it is intended that C.A.XXIV of 1946 and M.A.XIV of 1946 and the subsidiary legislation under those two Acts should be applied to Sandur, an Ordinance or Act will be required as pointed out in a U.O.Note recently issued. The point raised by Devt.at A on p8ante does not, therefore, arise,

⑤

AA 12-8-49

Devt